

MALLESONS STEPHEN JAQUES

Attention Anthony Muratore

Freehills
MLC Centre
Martin Place
Sydney NSW 2000

3. December 2003

K O'Connell
Partner
Direct line
+61 2 9296 2188

Dear Sirs

Microsoft Corporation & Anor v Intertrust Technologies Corporation

We enclose by way of service an affidavit of Michael John Hitchens sworn today and three volumes of exhibits.

The Applicants will be filing further affidavits by way of evidence in chief and expect this to occur before the end of the week. We will inform you of any change to this expected timing.

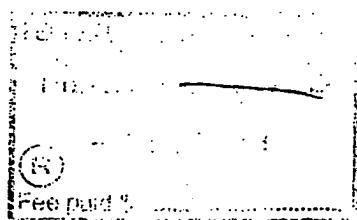
Yours faithfully

Mallesons Stephen Jaques

DO NOT FILE COPY

IN THE FEDERAL COURT OF AUSTRALIA)
NEW SOUTH WALES DISTRICT REGISTRY)

No. N1260 of 2002



MICROSOFT CORPORATION

First Applicant

MICROSOFT PTY LIMITED

Second Applicant

**INTERTRUST TECHNOLOGIES
CORPORATION**

Respondent

AFFIDAVIT OF MICHAEL JOHN HITCHENS

On 3 December 2003, I, Michael John Hitchens of 38 Marsden Street, Parramatta, New South Wales, University lecturer, say on oath:

- 1 I am a Senior Lecturer in the Department of Computing at Macquarie University, Sydney, Australia.
- 2 On 30 October 2002, I was retained by Microsoft Corporation in relation to this proceeding. Now produced to me and marked "Exhibit MJH-1" is a copy of the retainer agreement. At that time I was told that the proceeding related to a patent dispute but I did not see a copy of Australian Patent No. 728,776 ("the Patent") until 11 September 2003.
- 3 In this affidavit, I will refer to the First Applicant and the Second Applicant together as "Microsoft".
- 4 I have been informed by Mallesons Stephen Jaques ("Mallesons"), and believe, that the Respondent, InterTrust Technologies Corp. ("Intertrust"), is owned by Sony Corporation of America and Royal Philips Electronics, each holding 49.5% of the stock in Intertrust.
- 5 I believe that where I express an opinion in this affidavit, my opinion is objective and impartial. I do not believe that I am biased in favour of or against either Microsoft, Intertrust

M. Hitchens

Filed on behalf of the Applicants by:
MALLESONS STEPHEN JAQUES
Governor Phillip Tower
1 Farrer Place
SYDNEY NSW 2000

DX 113, SYDNEY
Tel: (02) 9296 2000
Fax: (02) 9296 3999
Ref: NM:KOC
6953041